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Of Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MICHELLE SCHREINER,

Plaintiff,

v.

CITY OF GRESHAM; TC SILVA;
GRESHAM POLICE BUREAU and OTHER
GRESHAM JOHN and JANE DOE
OFFICIALS,

Defendants.

Case No. CV 07-1809-HA

**DEFENDANTS' MOTION TO
QUASH SUBPOENA**

MOTION

Pursuant to Fed. R. Civ. P. 45, defendants move the Court for an order quashing plaintiff's subpoena to the City Attorney of defendant City of Gresham, dated March 5, 2009. This motion is supported by the Declaration of Iayesha Smith, filed herewith, and attachments thereto.

Defense counsel has conferred with plaintiff's counsel, who opposes this motion.

The subpoena is for photographs of police officers, disclosure of which is protected pursuant to a Memorandum of Understanding between the City and the Gresham Police Officers' Association. The reason underlying this protection is that dissemination of photographs of law enforcement personnel jeopardizes officer safety. Plaintiff has not provided and cannot provide sufficient justification for these photographs to override these safety concerns. Plaintiff's counsel states that the photographs are sought to assist two third-party witnesses in identifying the officers. Disclosure to third-party witnesses is particularly intrusive and is unnecessary for these witnesses to testify to events within their competence. Should these witnesses actually appear for trial (defendants have been unable to locate and subpoena one for deposition), appropriate provision can be made for any necessary identifications.

Therefore, defendants respectfully request the Court grant their motion and prohibit disclosure of the photographs sought by plaintiff's subpoena.

DATED: March 11, 2009

LEHNER & RODRIGUES, P.C.

/s/ Iayesha Smith

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Of Attorneys for Defendants